

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JAMES R. POLLARD,
Plaintiff,

vs.

COMMISSIONER OF
SOCIAL SECURITY,
Defendant.

Case No. 1:16-cv-1113
Black, J.
Litkovitz, M.J.

**REPORT AND
RECOMMENDATION**

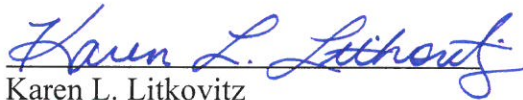
This matter is before the Court on plaintiff's motion for attorney fees under the Equal Access to Justice Act (Doc. 23) and the parties' Joint Stipulation for an Award of Attorney's Fees under the EAJA (Doc. 24). The parties have stipulated and petitioned the Court to award attorney fees in the amount of \$4,000.00 in full satisfaction and settlement of any and all claims plaintiff may have under the EAJA in the above case. The parties have stipulated that the award will satisfy all of plaintiff's claims for fees, costs and expenses under 28 U.S.C. § 2412 in this case.

The parties acknowledge that any fees paid belong to plaintiff and not plaintiff's attorney and can be offset to satisfy any pre-existing debt that plaintiff owes the United States pursuant to *Astrue v. Ratliff*, 560 U.S. 586 (2010). The parties further stipulate that after the Court enters this award, if counsel for the parties can verify that plaintiff owes no pre-existing debt subject to offset, the defendant agrees to direct that the award be made payable to plaintiff's attorney pursuant to an EAJA assignment duly signed by plaintiff.

IT IS THEREFORE RECOMMENDED THAT the parties' joint stipulation for an award of attorney fees and expenses (Doc. 24) be **GRANTED** and that plaintiff be awarded

attorney fees in the amount of \$4,000.00; and plaintiff's motion for attorney fees under the Equal Access to Justice Act (Doc. 23) be **DENIED AS MOOT**.

Date: 4/3/18


Karen L. Litkovitz
United States Magistrate Judge

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NOTICE TO THE PARTIES REGARDING THE FILING OF OBJECTIONS TO R&R

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).